

Department of Energy

§ 710.60

(b) *Drug testing component.* Drug testing for the use of illegal drugs, as required by the PSAP, shall be established to test all individuals in, or applicants tentatively selected for, PSAP positions. Testing shall be conducted in accordance with the DOE policies implementing Executive Order 12564, or part 707 of this chapter, which establish workplace substance abuse programs for DOE and contractor employees respectively. The program shall include unannounced annual drug testing and testing for occurrence or reasonable suspicion for all PSAP-cleared individuals. A PSAP-cleared individual who has been determined to have used illegal drugs based on a drug test shall be reassigned immediately to non-PSAP duties, and the PSAP Approving Official shall be notified immediately.

(c) *Occurrence or reasonable suspicion testing component.* When a PSAP-cleared employee is involved in or associated with an occurrence requiring notification to the DOE or whose behavior creates the basis for a reasonable suspicion of substance abuse, the employee shall be tested for the use of illegal drugs. Drug testing shall be conducted in accordance with the provisions of the DOE policies implementing Executive Order 12564, or part 707 of this chapter, which establish workplace substance abuse programs for DOE and contractor employees respectively.

(d) *Rehabilitation.* Individuals reinstated to PSAP duties following treatment leading to rehabilitation from the use of illegal drugs shall be required to undergo evaluation and testing as prescribed in DOE drug-free workplace and substance abuse policies and by the site Occupational Medical Director or other designated official, as appropriate, in order to ensure continued rehabilitation.

(e) *Corporate policy.* Nothing in this subpart is intended to interfere with or prohibit a contractor of the Department from conducting medical and other evaluations, including testing for the use of illegal drugs as a matter of corporate policy, so long as such policy is at least as effective as the requirements and procedures of this subpart.

§ 710.60 DOE security review and clearance determination.

(a) *When performed.* The final component of the PSAP process is a security review and clearance determination performed by the PSAP Approving Official upon receipt of the management evaluation and recommendation.

(b) *The criteria.* The PSAP access authorization and adjudication shall be conducted in accordance with the criteria and procedures contained in relevant sections of this part.

(c) *Review for initial PSAP access authorization.* An initial PSAP access authorization requires the applicant or employee to have a DOE Q access authorization based upon a background investigation, except for Security Police Officers who may be granted PSAP access authorization based on an interim Q access authorization obtained through the Accelerated Access Authorization Program. The adjudication and determination for a PSAP access authorization shall be based upon a review of security information, including the results of the background investigation (or Accelerated Access Authorization Program screening elements in the case of Security Police Officers) and the information provided by management and medical sources.

(d) *Annual PSAP access authorization continuance.* Once an employee has received the PSAP access authorization, he or she shall thereafter undergo an annual security evaluation by the PSAP Approving Official. The evaluation shall include a review of the individual's DOE personnel security file, and an updated SF-86, OMB Control No. 3206-007, "Questionnaire for Sensitive Positions," Part II. The determination to continue the PSAP access authorization shall be based upon a review and any necessary adjudication of the information resulting from the annual security evaluation, and the information provided by management and medical sources, in accordance with the criteria and procedures contained in relevant sections of this part.

(e) *Periodic reinvestigation.* The PSAP-cleared employee shall undergo periodic reinvestigation as required to maintain a Q access authorization. The determination to continue the PSAP access authorization shall be based

Pt. 711

upon a review of security information, including the results of the limited background investigation and the information provided by management and medical sources.

(f) *Processing under 10 CFR part 710, subpart A.* Any matters of security concern raised to the attention of the PSAP Approving Official, such as confirmed use of illegal drugs or use of alcohol habitually to excess, shall be evaluated in accordance with the criteria under subpart A, §710.8 of this part. Any administrative review under the PSAP shall be conducted in accordance with the provisions and procedures in subpart A of this part.

[60 FR 20368, Apr. 25, 1995, as amended at 67 FR 65692, Oct. 28, 2002]

PART 711—PERSONNEL ASSURANCE PROGRAM (PAP)

Subpart A—PAP Certification/Recertification, Temporary Removal/Reinstatement, and Revocation of PAP Certification

Sec.

- 711.1 Purpose.
- 711.2 Applicability.
- 711.3 Definitions.
- 711.4 General.
- 711.5 General requirements.
- 711.6 PAP certification process.
- 711.7 Maintenance of PAP personnel list.
- 711.8 PAP training requirements.
- 711.9 Supervisor reporting.
- 711.10 Individual reporting.
- 711.11 Immediate removal from nuclear explosive duties.
- 711.12 Action following removal from duties.
- 711.13 Appointment of a certification review hearing officer and legal counsel.
- 711.14 Certification review hearing.
- 711.15 Hearing officer's report and recommendation.
- 711.16 Appeal of the operations office manager's final decision.

Subpart B—Medical Assessments for PAP Certification and Recertification

GENERAL PROVISIONS

- 711.20 Applicability.
- 711.21 Purpose and scope.

RESPONSIBILITIES AND AUTHORITIES

- 711.30 Designated physician.
- 711.31 Designated psychologist.

10 CFR Ch. III (1–1–04 Edition)

711.32 Site Occupational Medical Director (SOMD).

711.33 Director, Office of Occupational Medicine and Medical Surveillance.

711.34 Operations office managers; Director, Transportation Safeguards Division.

MEDICAL ASSESSMENT PROCESS AND STANDARDS

711.40 Medical standards for certification.

711.41 Medical assessment process.

711.42 Medical assessment for drug abuse.

711.43 Evaluation of hallucinogen use.

711.44 Medical assessment for alcohol use disorder.

711.45 Maintenance of medical records.

AUTHORITY: 42 U.S.C. 2201(p), 7191.

SOURCE: 63 FR 48066, Sept. 8, 1998, unless otherwise noted.

Subpart A—PAP Certification/Recertification, Temporary Removal/Reinstatement, and Revocation of PAP Certification

§ 711.1 Purpose.

The purpose of this part is to establish a Personnel Assurance Program (PAP) in DOE. The PAP is a human reliability program designed to ensure that individuals assigned to nuclear explosive duties do not have emotional, mental, or physical incapacities that could result in a threat to nuclear explosive safety. The PAP establishes the requirements and responsibilities for screening, selecting, and continuously evaluating employees assigned to or being considered for assignment to nuclear explosive duties.

§ 711.2 Applicability.

(a) This part applies to DOE Headquarters and field elements and DOE contractors that manage, oversee, or conduct nuclear explosive operations and associated activities, and to DOE and DOE contractor employees assigned to nuclear explosive duties.

(b) This part does not apply to responses to unplanned events (e.g., Accident Response Group activities), which are addressed in DOE 5530-Series Orders and DOE Order 151.1, "Comprehensive Emergency Management System."